

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LEWIS C. OLIVER, II,
(TDCJ-CID #663226)
Plaintiff,

vs.

Defendant.

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CIVIL ACTION H-12-0156

## MEMORANDUM AND OPINION

Lewis C. Oliver, II, an inmate of the Texas Department of Criminal Justice - Correctional Institutions Division, sued in January 2012, alleging civil rights violations resulting from a denial of due process. Oliver, proceeding *pro se* and *in forma pauperis*, submitted handwritten correspondence that was filed as a civil rights lawsuit under 42 U.S.C. § 1983. Oliver did not name a defendant but it appears that he intends to sue a musical group that was known as the Jackson 5. Oliver alleges that he is the victim of a conspiracy:

I am right now under the presistences of an unconstitutional, every on going serious, game of abussive high tech computer communicational operations wish by its source of series of techological sattellite defincency has nothing more than the utalizations of what's consider organize crime, under the suppose public thought as a large publishing clearing house.

Oliver claims that instruments for brain reading are being used to violate his civil rights. He claims that the Jackson 5 are reading his mind using satellites. Oliver alleges aggravated kidnapping; false imprisonment; assault and battery by technology; attempted murder; constant poisoning; and conspiracy.

A district court may dismiss an *in forma pauperis* complaint if it “is frivolous or malicious.”


28 U.S.C. § 1915(e)(2)(B)(i). An action is frivolous if it lacks an arguable basis in either law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Henson-El v. Rogers*, 923 F.2d 51, 53 (5th Cir.), *cert. denied*, 501 U.S. 1235 (1991). An action is legally frivolous if it is grounded on an untenable or discredited legal theory, *Neitzke*, 109 S. Ct. at 1831, and is factually frivolous when “the allegations are ‘fantastic or delusional scenarios’ or the legal theory on which a complaint relies is ‘indisputably meritless.’” *Harris v. Hegmann*, 198 F.3d 153, 156 (5th Cir. 1999); *see also Denton v. Hernandez*, 504 U.S. 25, 32 (1992).

Oliver does not present a logical set of facts to support any claim for relief. Instead, his complaint presents fantastic allegations that are fanciful and delusional. His claims are dismissed with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i). Any motions are denied as moot.

The Clerk will provide a copy of this order by regular mail, facsimile transmission, or e-mail to:

- (1) the TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas, 78711, Fax: 512-936-2159;
- (2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793; and
- (3) the District Clerk for the Eastern District of Texas, 211 West Ferguson, Tyler, Texas 75702, Attention: Manager of the Three-Strikes List.

SIGNED on January 30, 2012, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge